

In the Drawings:

Please replace the original sheet 9/10 of drawings bearing Fig. 10 with the enclosed Replacement Sheet 9/10 bearing a revised Fig. 10. The only revision is that a suction system 800 has been schematically indicated in Fig. 10. Entry of the Replacement Sheet is respectfully requested. All of the other original sheets are being maintained without change.

[RESPONSE CONTINUES ON NEXT PAGE]

REMARKS:

- 1) The Examiner is respectfully requested to acknowledge and approve the following formal matters:
 - a) the **Foreign Priority claim** and receipt of the **Foreign Priority Document** through the PCT procedures;
 - b) applicant's **Information Disclosure Statement** filed on July 1, 2005; and
 - c) the **original drawings** filed on October 18, 2004, as well as the **Replacement Sheet 9/10** bearing revised Fig. 10 being filed on November 21, 2005 together with the present Response.
- 2) The Examiner's attention is directed to the enclosed copy of the **PCT International Preliminary Examination Report**, which indicates that **claims 1 to 11, 13 to 15, 25 to 27 and 31 satisfy all criteria for patentability**, including novelty and inventive step (or non-obviousness). The Examiner in the PCT International Phase expressly found that the prior art does not teach or fairly suggest the invention according to these indicated claims. Also note that the **USPTO served as the International Preliminary Examining Authority**.
- 3) The Examiner's attention is also directed to the enclosed **Drawing Transmittal and Replacement Sheet 9/10 bearing revised Fig. 10 of the drawings**. A suction system 800 has been schematically indicated in Fig. 10. This is supported by the original disclosure and does not introduce any new matter (see the written

description at page 19 lines 23 to 35, page 21 lines 7 to 31, page 23 lines 23 to 30, etc.). From the overall disclosure, it is readily understood that a suction system is provided to suck air through the perforations in the skin of the airfoil. Thus, the mere schematic indication thereof in Fig. 10 does not introduce any new matter. Entry of the Replacement Sheet 9/10 to replace the original sheet 9/10 is respectfully requested. The other original drawing sheets are being maintained without change.

- 4) A few editorial corrections in the specification have been made by the present amendment. Also, the suction system (800) schematically added to Fig. 10 has now been expressly referenced at page 23 line 16. This amendment is supported by the original disclosure (e.g. page 19 lines 23 to 35 and page 23 lines 23 to 30), and thus does not introduce any new matter. Entry of the amendments is respectfully requested.
- 5) Regarding the Election Requirement, the three Species A (Fig. 10), B (Fig. 11) and C (Fig. 12) differ from one another only in that Fig. 11 has added ribs (300) to the airfoil structure of Fig. 10, and Fig. 12 has added a perforated inner plate (400) to the ribs and airfoil of Fig. 11, as described in the specification (see page 23 lines 3 to 7, page 25 lines 1 to 8, and page 25 line 34 to page 26 line 6). Thus, all of the features of Species A are also included in Species B (which additionally includes the ribs), and all of the features of Species B are included in Species C (which additionally includes

the perforated inner plate). Furthermore, Species A of Fig. 10 is a representative example of all of the aspects of the invention, and is not regarded as limited to particular details schematically illustrated therein. For example, while Fig. 10 shows elongated micro-slot configurations of the perforations, it must be understood that the perforation shape could instead be a circular hole shape (see page 19 line 31 to page 20 line 16). The Examiner has not identified any other species that would more-particularly include the circular hole shape, so Fig. 10 must be understood to generically include or cover other features such as other particular hole shapes. As noted above, the only pertinent distinctions between Figs. 10, 11 and 12 relate to the added ribs (300) and the added perforated inner plate (400).

- 6) In response to the species Election Requirement, applicant hereby **elects the Species A referring to Fig. 10. Claims 1 to 27 and 31 read on the elected Species A.** All of these **claims 1 to 27 and 31 are also generic** to the non-elected Species B and C. Only claim 30 is specific to Species C, and only claims 28 and 29 are specific to Species B and C. Thus, all other claims 1 to 27 and 31 are covered by the elected Species A and shall thus be examined. Also note that non-elected claims 28 to 30 depend from generic independent claim 12. In the event a generic claim is ultimately found allowable, the Examiner is respectfully requested to rejoin, consider and allow the non-elected dependent claims 28 to 30. The Examiner's assertion that no claims appear to be generic is respectfully traversed for the above reasons.

- 7) Favorable consideration and allowance of the application, including all present claims 1 to 31, are respectfully requested.

Respectfully submitted,
Airbus Deutschland GmbH
Assignee

WFF:kd/4778
Enclosures:
Term Extension Request
Form PTO-2038
Drawing Transmittal Letter
1 Replacement Sheet
Copy of PCT International
Preliminary Examination Report
Transmittal Cover Sheet
postcard

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CERTIFICATE OF MAILING:

I hereby certify that this correspondence with all indicated enclosures is being deposited with the U. S. Postal Service with sufficient postage as first-class mail, in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date indicated below.

Walter F. Fasse 11/21/05
Name: Walter F. Fasse - Date: November 21, 2005

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 4510/PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/12008	International filing date (day/month/year) 17 April 2003 (17.04.2003)	Priority date (day/month/year) 18 April 2002 (18.04.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): B 64 C 21/06 and US Cl.: 244/207-209,130		
Applicant BERTOLOTTI, FABIO P		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

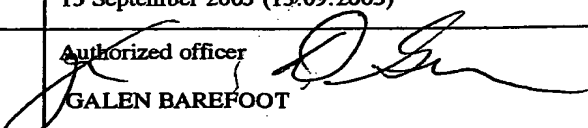
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the

PCT).

These annexes consist of a total of 7 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 14 November 2003 (14.11.2003)	Date of completion of this report 13 September 2005 (13.09.2005)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  GALEN BAREFOOT Telephone No. 571-272-6898

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/12008

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
 pages 1-28 as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the claims:
 pages 29-36, as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the drawings:
 pages 1-10, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
 pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/12008

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>1-11,13-27,31</u>	YES
	Claims <u>12 and 28-30</u>	NO
Inventive Step (IS)	Claims <u>1-11,13-15,25-27,31</u>	YES
	Claims <u>12,16-24,28-30</u>	NO
Industrial Applicability (IA)	Claims <u>1-31</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-11,13-15,25-27 and 31 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the boundary layer control as claimed with the disturbance destruction at selected wavelengths.

Claims 12 and 28-30 lack novelty under PCT Article 33(2) as being anticipated by Fowler.

Claims 16-24 lack an inventive step under PCT Article 33(3) as being obvious over Fowler in view of Pabst. It would not have involved an inventive step to replace the holes of Fowler with the slots of Pabst since it would provide a better suction surface.

_____ NEW CITATIONS _____
NONE